

APPENDIX 9 - DEMOLITION DELAY BY-LAW/HISTORIC DISTRICTS**Town of Framingham By-Laws, Article V. "Health and Safety"****Section 17A. Demolition Delay By-Law for Historically or Architecturally Significant Buildings in the Town of Framingham, MA.**

[Article 44 voted by Town Meeting: April 10, 1991]

[Approved by Attorney General: August 21, 1991]

Section 1. Intent and Purpose

This by-law is enacted for the purpose of protecting and preserving significant buildings within the Town outside the Framingham Center Common Historic District (Local) which constitute or reflect distinctive features of the architectural or historical resources of the Town, and to encourage owners of such buildings to seek out alternative options to preserve, rehabilitate or restore such buildings rather than to demolish them, thereby promoting the public welfare and preserving the cultural heritage of the Town. To achieve these purposes the Framingham Historical Commission is authorized to advise the Building Commissioner with respect to the issuance of permits for the demolition of significant buildings. The issuance of demolition permits for significant buildings is regulated as provided by this by-law.

Section 2. Definitions

2.1 Building - Any combination of materials forming a shelter for persons, animals, or property.

2.2 Demolition - Any act of pulling down, destroying, removing or razing a building or commencing the work of total or substantial destruction with the intent of completing the same.

2.3 Building Commissioner - The person occupying the office of Building Commissioner or otherwise authorized to issue demolition permits.

2.4 Commission - The Framingham Historical Commission.

2.5 Demolition Permit - The permit issued by the Building Commissioner as required by the State Building Code for a demolition, substantial demolition or removal of a building.

2.6 Historically or Architecturally Significant Building - Any building, in whole or in part, which is at least 50 years old and:

- (a) which is listed on, or is a contributing building within an area listed on the National Register of Historic places, or which is the subject of a pending application for such listing, or is eligible for such listing; or
- (b) is included in the Cultural Resources Inventory prepared by the Commission; or
- (c) has been determined by vote of the Commission to be a significant building after a finding by the Commission that a building either:
 - i. is importantly associated with one or more historic persons or events, or with the broad architectural, cultural, political, economic or social history of the Town, or the Commonwealth, or
 - ii. is historically or architecturally significant (in terms of period, style, method of building construction or association with a recognized architect or builder) either by itself or in the context of a group of buildings.

2.7 Preferentially Preserved - Any historically or architecturally significant building which the Commission determines is in the public interest to be preserved or rehabilitated rather than to be demolished.

Section 3. Procedure

3.1 No permit for the demolition of a building which is in whole or in part fifty (50) years or more old shall be issued other than in conformity with the provisions of this by-law, as well as in conformity with the provisions of other laws and ordinances applicable to the demolition of buildings and the issuance of permits generally.

3.2 Application contents: Every application for a demolition permit for a building at least 50 years old shall be filled with the Building Commissioner and shall contain the following information: (i) the address of the building to be demolished, (ii) the owner's name, address and telephone number, (iii) a brief description of the type of building and the condition requiring issuance of the permit; (iv) date of building as established by the Board of Assessors, deed or documentation verifying year of construction and (v) a brief description of the proposed reuse, reconstruction or replacement on the premises upon which the building is located.

3.3 Within seven (7) working days from receipt of an application for a demolition permit of a building fifty years or older, the Building Commissioner shall forward a copy to the Commission. No demolition permit shall be issued during this time.

- 3.4** Within ten (10) working days after receipt of the application for demolition permit by the Commission, the Commission shall make a Determination of Architectural and/or Historical Significance. Upon determination by the Commission that the building is not architecturally and/or historically significant, the Commission shall so notify the Building Commissioner in writing. Upon receipt of such notification, or after the expiration of fifteen (15) working days from the date of submission to the Commission, if the Building Commissioner has not received notification from the Commission, the Building Commissioner may issue the demolition permit.
- 3.5** Upon determination by the Commission that the building is historically and/or architecturally significant, the Building Commissioner and applicant shall be so notified in writing, and a demolition permit shall not be issued. The Commission shall hold a public hearing within fifteen (15) working days of the Determination of Significance to determine whether the building should be preferentially preserved. Public notice of the time, place and purpose of the hearing shall be published by the Building Department at the expense of the applicant in a newspaper of general circulation in the Town not less than seven (7) days before the day of said hearing and shall be posted in a conspicuous place in the Town Hall for a period of not less than seven (7) days before the day of said hearing.
- 3.6** If after a public hearing the Commission determines that the significant building should not be preferentially preserved, the Commission shall notify the Building Commissioner, in writing within five (5) working days of the hearing and the Building Commissioner may issue a demolition permit upon receipt of the written decision.
- 3.7** If after a public hearing the Commission determines that the significant building should be preferentially preserved, the Commission shall so notify the Building Commissioner in writing within five (5) working days of the hearing, and no demolition permit may be issued until six (6) months after the date of the determination by the Commission.
- 3.8** Notwithstanding anything contained in paragraph 3.7, the Building Commissioner may issue a demolition permit for a preferably preserved building at any time after receipt of written advice from the Commission to the effect that either:
- (i) the Commission is satisfied that there is no reasonable likelihood that either the owner or some other person or group is willing to purchase, preserve, rehabilitate or restore such building, or
 - (ii) the Commission is satisfied that for at least six (6) months the owner has made continuing, bona fide and reasonable efforts to locate a purchaser to preserve, rehabilitate or restore the subject building, and that such efforts have been unsuccessful.

Section 4. Responsibility of Owners

It shall be the responsibility of the owner of record or his designee to assist in the facilitation of the above process by providing information, allowing access to the property and securing the premises; for participating in the investigation of preservation options and for actively cooperating in seeking alternatives with the Commission and any interested parties.

Section 5. Emergency Demolition

Nothing in this by-law shall restrict the Building Commissioner from immediately ordering the demolition of any building in the event of imminent danger to the safety of the public.

Section 6. Enforcement and Remedies

The Commission and/or the Building Commissioner are each specifically authorized to institute any and all actions and proceedings, in law or equity, as they may deem necessary and appropriate to obtain compliance with the requirements of this by-law or to prevent a threatened violation thereof. No building permit shall be issued with respect to any premises upon which a significant building has been voluntarily demolished in violation of this by-law for a period of two (2) years after the date of the completion of such demolition. As used herein, "premises" refers to the parcel of land upon which the demolished significant building was located and all adjoining parcels of land under common ownership or control.

Section 7. Historic District Act

Nothing in this by-law shall be deemed to conflict with the provisions of the Historic District Act, Massachusetts General Laws Chapter 40C. If any of the provisions of this by-law do so conflict, that act shall prevail.

Section 8. Severability

In case any section, paragraph or part of this by-law be for any reason declared invalid or unconstitutional by any court, every other section, paragraph and part shall continue in full force and effect.

Town of Framingham By-Laws, Article VII. “Signs and Districts”

Section 5. Historic Districts

[Article 51, voted by Town Meeting: Town Meeting May 10, 1978]

[Approved by Attorney General: August 6, 1978]

[Amended: Articles 14 & 15, Annual Town Meeting, April 13, 1994]

[Approved by Attorney General: August 23, 1994]

[Amended: Articles 23 and 24, Annual Town Meeting, April 12, 1995]

[Approved by Attorney General: June 14, 1995]

[Amended: Articles 5, 6 and 7, Annual Town Meeting, April 25, 2006]

[Approved by Attorney General: September 26, 2006]

[Amended: Article 10, Annual Town Meeting, April 29, 2008]

5.1 Historic District Commission

There is hereby established under the Historic Districts Act, Massachusetts General Laws, Chapter 40C to be governed by and operated in accordance with the provisions relative thereto of the General Laws or any special act or amendment thereto, a Framingham Historic District Commission, consisting of seven (7) members to be appointed by the Board of Selectmen including one (1) member from two (2) nominees submitted by the Historical Society, one (1) architect from two (2) nominees submitted by the Greater Boston Real Estate Board, one (1) lawyer from two (2) nominees submitted by the South Middlesex Bar Association, one (1) land owner resident in the Historic District and two (2) members at large. There shall be five (5) alternates selected, one from each of the above specific categories. In the event any member shall be absent or unable to act for any reason, the Chairman shall designate an alternate member to act.

Each member or alternate member of said Commission shall be a resident of the Town of Framingham, and any such member removing his residence from the Town shall be considered thereby to have resigned as a member of the Commission. If within 60 days after submission of a written request for nominees to any of the organizations herein named, no such nominations have been made, the Board of Selectmen may proceed to appoint the Commission without nominations by such organizations.

5.2 Boundaries of Historic District

There is hereby established under provisions of and in accordance with the Historic District Act, one historic district to be known as the Framingham Center Common Historic District, bounded and described as shown on the map entitled “Framingham Center Common Historic District” available at the Planning Department of the Town; to establish a new Historic District to be known as the Jonathan Maynard Historic District, bounded and described on the map entitled “Jonathan Maynard Historic District” available at the Planning Board Office.

5.3 Power and Duties

The Commission shall have, in addition, to the powers and duties of an Historic District Commission as described in Chapter 40C, the following further powers and duties, subject to appropriation or receipt of money gifts, and may in exercise of any of its powers or duties accept and expend such gifts and employ clerical and technical assistants or consultants.

5.3.1 To propose from time to time, as it deems appropriate, the establishment, in accordance with the provisions of the Historic Districts Act, of additional historic districts and changes in historic districts;

5.3.2 To cooperate with, consult, and advise the Planning Department, the Redevelopment Authority, and other Town agencies and departments in matters involving historic sites, building, and districts; and

5.3.3 To offer assistance and advice to owners of buildings in any historic district on problems of construction, reconstruction, restoration, and preservation.

5.4 Rules and Regulations

The Commission shall adopt the rules and regulations for the conduct of its business, not inconsistent with the provisions of the Historic Districts Act. A copy of the rules and regulations and any amendment shall be filed with the Town Clerk.

5.5 Certificate of Appropriateness: Time of Decision

The Commission shall render a decision under the provisions of the Historic Districts Act within 45 days after the filing of an application for a certificate of appropriateness, a certificate of non-applicability, or a certificate of hardship, or within such further time as the applicant may, in writing, allow.

5.6 Exclusions

The Commission shall have no jurisdiction to review the following categories of exterior architectural features:

- (a) Temporary structures erected for a period of ninety days or less;
- (b) Two dimensional signs of four (4) square feet or less;
- (c) Terraces, walks, driveways, and sidewalks so long as such structure is substantially at grade level;
- (d) Storm doors, storm windows, screens, gutters, antennae, and window air conditioners;
- (e) Color of paint;
- (f) Color of roof materials.

5.7 Properties Included in the Framingham Centre Common Historic District**5.71**

1. Framingham Center Common
2. Village Hall
3. Memorial Library
- 3a. Civil War Monument
4. Capt. Eliphalet Wheeler House, 18 Vernon Street
5. The Jonathan Maynard School, 14 Vernon Street
6. Framingham Academy, 16 Vernon Street
7. First Parish Church, 24 Vernon Street
8. First Parish House, 24 Vernon Street
9. Plymouth Church, 87 Edgell Road
10. Otis Boynton House, 85 Edgell Road
11. The Crane House, 65 Edgell Road
12. The O'Brien House, 63 Edgell Road
13. The Grossman House, 61 Edgell Road
14. The Shawmut Bank Branch, 39 Edgell Road
15. The Framingham Trust Co. Branch, 35 Edgell Road
16. Plymouth Parsonage, 125 Edgell Road
17. The Williams House, 121 Edgell Road
18. The Johnson House, 151 Edgell Road
19. The Brandolini House, 2 Auburn Street
20. The Dorr House, 4 Auburn Street
22. Newscipping Service, 5 Auburn Street
23. The Maddocks House, 6 Vernon Street
24. The Clark Builders Trust, 8 Vernon Street
25. The Rinaldo House, 31 Grove Street
26. The Merse House, 33 Grove Street
27. The Tarbox House, 4 Warren Place
28. The White's House, 3 Warren Place
29. The Stalker House, 8 Warren Place
30. The Larson House, 11 Warren Place
31. The George A. Weeks House, 122 Edgell Road
32. The General George Henry Gordon House, 936 Central Street
33. The Whitney-Wiggins House, 10 Auburn Street
34. The Train-Vernon House, 20 Vernon Street

5.8 Properties Included in the Jonathan Maynard Historic District**5.81**

1. First Baptist Church, built 1826
2. William T. Buckminster House, 48 Pleasant Street, built before 1832
3. Dr. John Osgood House, 64 Pleasant Street, built between 1832 and 1850
4. Goldberg House, 155 Maynard Road, 1894
5. Cyrus Blake House, 79 Pleasant Street, built before 1832
6. Mason House, 153 Maynard Road, 1984
7. Ira Mitchell House, 89 Pleasant Street, built before 1832
8. Marion Adams House, 100 Pleasant Street, built 1890-1905
9. Blanche Partridge House, 111 Pleasant Street, built 1917
10. "Little Maynard", 198 Maynard Road, built 1901
11. Dexter Esty House, 108 Pleasant Street, built between 1832 and 1850
12. Capt. Charles Williams House (Jonathan Maynard House), 113 Pleasant Street, c. 1760
13. Henry Orne Stone House, 120 Pleasant Street, circa 1840's
14. Judge Blodgett House, 129 Pleasant Street, 1915-16
15. Kelly House, 130 Pleasant Street, 1915-16
16. Boudrot House, 139 Pleasant Street, 1974
17. Jesse Belknap House, 138 Pleasant Street, built between 1832 and 1850
18. TO BE BUILT, Spring 1994, Contemporary, 149 Pleasant Street
19. Rev. L. R. Eastman House, 154 Pleasant Street, built between 1850 and 1872
20. Roessler House, 159 Pleasant Street, 1993
21. Rock House, 2 Aspen Circle, 1980
22. Thorup House, 165 Pleasant Street, 1993
23. Obed Winter House, 176 Pleasant Street, circa 1850
24. H. Twombly House, 169 Pleasant Street, built before 1832
25. Lockhart House, 198 Pleasant Street, 1955
26. Wagner House, 179 Pleasant Street, 1993
27. Jacob B Winchester House, 200 Pleasant Street, built between 1832 and 1850
28. Davis House, 187 Pleasant Street, built between 1872 and 1895
29. J. J. Valentine House, 208 Pleasant Street, built between 1840 and 1849
30. George Newell House, 201 Pleasant Street, before 1832
31. G. R. Brown House. 216 Pleasant Street, circa 1851-60
32. The George Phipps House, 41 Pleasant Street, to include the entire presently existing dwelling on a parcel consisting of not less than 25,000 square feet of land and having not less than 65 feet of frontage on Pleasant Street
33. The Mancall House, 45 Pleasant Street
34. The Pearl House, 47 Pleasant Street
35. Now or formerly of McCarthy or Brossi, 49 Pleasant Street
36. The Glickman House, 51 Pleasant Street
37. The Brostrom House, 55 Pleasant Street

5.9 Properties Included in the Sarah Claves Historic District**5.91**

1. The Sarah Claves House, 657 Salem End Road